

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:24-CV-00631-M-RN

DERRICK ALLEN,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
STATE OF NORTH CAROLINA and)	
ROY COOPER,)	
)	
Defendant.)	
)	

This matter comes before the court on the Memorandum and Recommendation (“M&R”) entered by Magistrate Judge Robert T. Numbers, II in this case on December 23, 2024. [DE 11]. In it, Judge Numbers recommends that the court dismiss Plaintiff’s complaint for failure to state a claim upon which relief may be granted. *Id.* at 1. Judge Numbers instructed the parties to file written objections within fourteen days of service. *Id.* This period has passed, and neither party has raised an objection.

A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's complaint is DISMISSED.

SO ORDERED this 21st day of January, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE